

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01684-RDM**

PEJOUHESH v. UNITED STATES POSTAL SERVICE
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 08/15/2017
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**HASSAN ALI PEJOUHESH**

represented by **HASSAN ALI PEJOUHESH**
78128-279
BEAUMONT LOW
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
P.O. BOX 26020
BEAUMONT, TX 77720
PRO SE

V.

Defendant**UNITED STATES POSTAL
SERVICE**

represented by **Kenneth A. Adebonojo**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/15/2017		Initiating Pleading & IFP Application Received on 8/15/2017. (jd) (Entered: 08/24/2017)
08/15/2017	<u>1</u>	COMPLAINT against UNITED STATES POSTAL SERVICE filed by HASSAN ALI PEJOUHESH. (Attachments: # <u>1</u> Supplement, # <u>2</u> Envelope)(jd) (Additional attachment(s) added on 10/19/2017: # <u>3</u> Civil Cover Sheet) (jd). (Note: Filer did not submit pg. 5 of Complaint) Modified on 10/27/2017 (jd). (Entered: 08/24/2017)
08/15/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by HASSAN ALI PEJOUHESH (jd) (Entered: 08/24/2017)
08/15/2017	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by HASSAN ALI PEJOUHESH (jd) (Entered: 08/24/2017)
10/10/2017	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$163.05 and Monthly Payments to be made from Prison Account of Hassan Ali Pejouhesh and granting MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Signed by Judge Amit P. Mehta on 10/5/2017. (jd) (Entered: 10/19/2017)
10/10/2017		Case Assigned to Judge Randolph D. Moss. Unassigned is no longer assigned to the case. (jd) (Entered: 10/19/2017)
10/19/2017	<u>5</u>	SUMMONS (3) Issued as to UNITED STATES POSTAL SERVICE, U.S. Attorney and U.S. Attorney General (jd) (Entered: 10/19/2017)

11/21/2017	<u>6</u>	RESPONSE TO ORDER OF THE COURT re <u>4</u> Order Directing Prisoner Payment,,, filed by HASSAN ALI PEJOUHESH. "LET IT BE FILED" by Judge Randolph D. Moss (td) (Entered: 11/27/2017)
11/29/2017		MINUTE ORDER: The Court entered an Order <u>4</u> directing Plaintiff to pay an initial partial filing fee in the amount of \$163.05. In response, Plaintiff asserts that he is unable to pay that fee at present and has attached supporting documentation. Dkt. <u>6</u> . He requests that the Court waive the initial partial filing fee or, in the alternative, order him to pay 20% of his income in the preceding month toward that fee. Id. at 1. The Prison Litigation Reform Act provides, "In no event shall a prisoner be prohibited from bringing a civil action... for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee." 28 U.S.C. § 1915(b)(4). Accordingly, it is hereby ORDERED that the requirement that Plaintiff pay an initial partial filing fee is hereby WAIVED. It is further ORDERED that Plaintiff shall pay the entire statutory filing fee of \$350 in monthly installments in accordance with the following instructions: (1) the authorized officer where Plaintiff is detained shall deduct from Plaintiff's prison account 20% of the preceding month's income each time the amount in the account exceeds \$10, see 28 U.S.C. § 1915(b)(2); (2) the funds shall be paid to the Clerk of the United States District Court for the District of Columbia until the entire statutory filing fee of \$350 is paid in full. The Clerk of Court is directed to mail a copy of this Order to Plaintiff at his address of record. Signed by Judge Randolph D. Moss on 11/29/2017. (lcrdm2,) (Entered: 11/29/2017)
12/08/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/06/2017. (jf) (Entered: 12/11/2017)
12/22/2017	<u>8</u>	First MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 12/22/2017)
12/24/2017		MINUTE ORDER: Upon consideration of Defendant's motion for extension <u>8</u> , the motion is hereby GRANTED. Defendant shall answer or otherwise respond to the complaint on or before January 29, 2018. Signed by Judge Randolph D. Moss on 12/24/2017. (lcrdm2,) (Entered: 12/24/2017)
12/26/2017		Set/Reset Deadlines: Defendant shall answer or otherwise respond to the complaint on or before 1/29/2018. (kt) (Entered: 12/26/2017)
01/18/2018	<u>9</u>	RESPONSE TO ORDER OF THE COURT (Objection) re Order on Motion for Extension of Time to, filed by HASSAN ALI PEJOUHESH. (td) (Entered: 01/22/2018)
01/18/2018	10	MOTION for Summary Judgment by HASSAN ALI PEJOUHESH; (See docket entry no. <u>9</u> to view.) (td) (Entered: 01/22/2018)
01/29/2018	<u>11</u>	MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 01/29/2018)
01/30/2018		MINUTE ORDER: Upon consideration of Defendant's motion for extension <u>11</u> , the motion is hereby GRANTED. It is hereby ORDERED that Defendant shall answer or otherwise respond to the complaint on or before February 28, 2018. Signed by Judge Randolph D. Moss on 1/30/2018. (lcrdm2,) (Entered: 01/30/2018)
01/30/2018		MINUTE ORDER: Plaintiff has filed a motion for summary judgment <u>9</u> , 10 based on "Defendant's failure to comply with the...Federal Rules of Civil Procedure" in seeking and obtaining an extension of time to answer or otherwise respond to Plaintiff's complaint. Dkt. 9 at 1–2. Defendant has not run afoul of any Federal Rule of Civil Procedure, and, in any event, summary judgment would not be an appropriate "remedy," Dkt. 9 at 1, for any such violation. The motion, accordingly, is hereby DENIED. Signed by Judge Randolph D. Moss on 1/30/2018. (lcrdm2,) (Entered: 01/30/2018)
01/30/2018		Set/Reset Deadlines: Defendant shall answer or otherwise respond to the complaint on or before 2/28/2018. (kt) (Entered: 01/30/2018)

02/01/2018	<u>12</u>	Summons Returned Unexecuted as to UNITED STATES POSTAL SERVICE. (td) (Entered: 02/02/2018)
02/01/2018	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/22/2017. Answer due for ALL FEDERAL DEFENDANTS by 12/22/2017. (td) (Entered: 02/02/2018)
02/28/2018	<u>14</u>	MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 02/28/2018)
03/01/2018		MINUTE ORDER: Upon consideration of Defendant's motion for extension <u>14</u> , the motion is hereby GRANTED. It is hereby ORDERED that Defendant shall answer or otherwise respond to the complaint on or before March 5, 2018. Signed by Judge Randolph D. Moss on 3/1/2018. (lcrdm2,) (Entered: 03/01/2018)
03/01/2018		Set/Reset Deadlines: Defendant shall answer or otherwise respond to the complaint on or 3/5/2018. (kt) (Entered: 03/01/2018)
03/05/2018	<u>15</u>	MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 03/05/2018)
03/06/2018		MINUTE ORDER: Upon consideration of Defendant's motion for extension <u>15</u> , the motion is hereby GRANTED in part and DENIED in part. Defendant shall answer or otherwise respond to the complaint on or before March 20, 2018. No further extension will be granted absent a showing of extraordinary circumstances. Signed by Judge Randolph D. Moss on 3/6/2018. (lcrdm2,) (Entered: 03/06/2018)
03/06/2018		Set/Reset Deadlines: Defendant shall answer or otherwise respond to the complaint on or before 3/20/2018. (kt) (Entered: 03/06/2018)
03/20/2018	<u>16</u>	MOTION to Dismiss , MOTION for Summary Judgment by UNITED STATES POSTAL SERVICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D)(Adebonojo, Kenneth) (Entered: 03/20/2018)
03/25/2018	<u>17</u>	ORDER: It is hereby ORDERED that Plaintiff shall file a brief in opposition to Defendant's motion to dismiss or, in the alternative, for summary judgment on or before May 11, 2018. If Plaintiff does not respond to Defendant's motion to dismiss within the time provided, the Court may treat the motion as conceded, dismiss Plaintiff's claims for failure to prosecute, or rule on the motion to dismiss based on Defendant's arguments alone and without considering any arguments that Plaintiff may later wish to raise. If Plaintiff does not file a response to Defendant's motion for summary judgment within the time provided, Plaintiff may not have the opportunity to be heard on the motion and the Court may resolve the case based exclusively on Defendant's submission. See document for details. Signed by Judge Randolph D. Moss on 3/25/2018. (lcrdm2,) (Entered: 03/25/2018)
03/25/2018		Set/Reset Deadlines: Plaintiff shall file a brief in opposition to Defendant's motion to dismiss or, in the alternative, for summary judgment on or before 5/11/2018. (kt) (Entered: 03/25/2018)
04/20/2018	<u>18</u>	NOTICE of Non-service by HASSAN ALI PEJOUHESH; "LET IT BE FILED" signed 4/20/18 by Judge Randolph D. Moss (td) (Entered: 04/25/2018)
04/20/2018	<u>19</u>	MOTION to Strike <u>16</u> MOTION to Dismiss MOTION for Summary Judgment for Failure to Serve on Plaintiff as Required by Law, or in the alternative MOTION for Order for it to be served by HASSAN ALI PEJOUHESH; "Let IT BE FILED" signed 4/20/18 by Judge Randolph D. Moss (See docket entry no <u>18</u> to view.) (td) (Entered: 04/25/2018)
05/07/2018	<u>20</u>	NOTICE of (Re)Mailing of Defendant's Motion to Dismiss or in the Alternative for Summary Judgment by UNITED STATES POSTAL SERVICE re <u>19</u> MOTION to Strike <u>16</u> MOTION to Dismiss MOTION for Summary Judgment MOTION for Order, <u>18</u> Notice (Other) (Adebonojo, Kenneth) (Entered: 05/07/2018)

05/17/2018		MINUTE ORDER: Plaintiff's motion to strike <u>19</u> Defendant's motion to dismiss or, in the alternative, for summary judgment <u>16</u> is hereby DENIED. Defendant has indicated that it has remailed its motion to Pejouhesh at his address of record (Beaumont FCI). In light of Plaintiff's indication that he has not yet received a copy of Defendant's motion, it is hereby ORDERED that Plaintiff's deadline to respond to Defendant's motion is CONTINUED to July 6, 2018. Signed by Judge Randolph D. Moss on 5/17/2018. (lcrdm2,) (Entered: 05/17/2018)
05/17/2018	<u>21</u>	Letter dated 5/8/2018 from Hassan Ali Pejouhesh, "Let it be filed" by Judge Randolph D. Moss on 5/17/2018. (ztth) Modified on 5/21/2018 to correct text. (ztth) (Entered: 05/21/2018)
05/18/2018		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 7/6/2018. (kt) (Entered: 05/18/2018)
03/26/2019	<u>22</u>	MEMORANDUM OPINION AND ORDER: The Postal Service's motion to dismiss and/or for summary judgment, Dkt. 16, is hereby GRANTED in part and DENIED in part. See document for details. Signed by Judge Randolph D. Moss on 3/26/2019. (lcrdm2,) (Entered: 03/26/2019)
04/23/2019		MINUTE ORDER: It is hereby ORDERED that each party shall submit a status report on or before May 24, 2019 proposing a schedule for further proceedings in this litigation. Signed by Judge Randolph D. Moss on 4/23/2019. (lcrdm2,) (Entered: 04/23/2019)
04/24/2019		Set/Reset Deadlines: Individual Status Reports due by 5/24/2019. (kt) (Entered: 04/24/2019)
05/28/2019	<u>23</u>	STATUS REPORT by HASSAN ALI PEJOUHESH. (Attachments: # <u>1</u> Exhibit 1-2)(ztd) (Entered: 06/03/2019)
06/04/2019		MINUTE ORDER: On April 23, 2019, the Court ordered the parties to each submit a status report on or before May 24, 2019 proposing a schedule for further proceedings in this litigation. That date has now passed, and although Plaintiff has submitted a status report, Dkt. 23, Defendant has not done so. It is ORDERED that Defendant shall file a status report on or before June 7, 2019 responding to Plaintiff's status report and proposing a schedule for further proceedings. Signed by Judge Randolph D. Moss on 6/4/2019. (lcrdm2,) (Entered: 06/04/2019)
06/04/2019		Set/Reset Deadlines: Defendant's Status Report due by 6/7/2019, responding to Plaintiff's status report and proposing a schedule for further proceedings. (dot) (Entered: 06/04/2019)
06/07/2019	<u>24</u>	STATUS REPORT by UNITED STATES POSTAL SERVICE. (Adebonojo, Kenneth) (Entered: 06/07/2019)
06/10/2019		MINUTE ORDER: In light of the parties' individual status reports, it is hereby ORDERED that the following schedule shall govern further proceedings: Defendant shall file Motion for Summary Judgment on or before July 16, 2019, Plaintiff shall file an Opposition on or before August 27, 2019, and Defendant shall file a Reply on or before September 17, 2019. Signed by Judge Randolph D. Moss on 6/10/2019. (lcrdm2,) (Entered: 06/10/2019)
06/10/2019		Set/Reset Deadlines: Defendant shall file Motion for Summary Judgment on or before 7/16/2019; Plaintiff shall file an Opposition on or before 8/27/2019; Defendant shall file a Reply on or before 9/17/2019. (kt) (Entered: 06/10/2019)
07/15/2019	<u>25</u>	MOTION for Extension of Time to <i>File Defendant's Renewed Motion for Summary Judgment</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 07/15/2019)
07/16/2019		MINUTE ORDER: Upon consideration of the Defendant's motion to extend the time to file renewed motion for summary judgment, Dkt. 25, it is hereby ORDERED that the motion is GRANTED. Defendant shall file its renewed motion for summary judgment on or before July 31, 2019. Signed by Judge Randolph D. Moss on 07/16/2019. (lcrdm2,) (Entered: 07/16/2019)

07/16/2019		Set/Reset Deadlines: Defendant's renewed Summary Judgment motion due by 7/31/2019. (kt) (Entered: 07/16/2019)
07/26/2019	<u>26</u>	MOTION to Quash, MOTION to Strike <u>24</u> Status Report by HASSAN ALI PEJOUHESH (Attachments: # <u>1</u> Exhibit A–G)(ztd) (Entered: 07/29/2019)
07/30/2019	<u>27</u>	MOTION for Extension of Time to <i>File Defenant's Renewed Motion for Summary Judgment</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 07/30/2019)
08/02/2019		MINUTE ORDER: Upon consideration of the Defendant's motion to extend the time to file renewed motion for summary judgment, Dkt. 27, it is hereby ORDERED that the motion is GRANTED. Defendant shall file its renewed motion for summary judgment on or before September 2, 2019. Signed by Judge Randolph D. Moss on 08/02/2019. (lcrdm2,) (Entered: 08/02/2019)
08/02/2019		Set/Reset Deadlines: Defendant shall file its renewed motion for summary judgment on or before 9/2/2019. (kt) (Entered: 08/02/2019)
08/06/2019	<u>28</u>	ORDER: Plaintiff's motion to strike, Dkt. <u>26</u> , is hereby DENIED. Defendant is hereby ORDERED to mail copies of its motion to dismiss or in the alternative motion for summary judgment and of its June 7, 2019 status report to Plaintiff on or before August 13, 2019. It is further ORDERED that Plaintiffs deadline to respond to Defendants motion is CONTINUED to September 7, 2019. Finally, Plaintiffs request for appointment of counsel is DENIED. See document for details. Signed by Judge Randolph D. Moss on 8/6/2019. (lcrdm2,) Modified on 8/6/2019 to add deadlines in docket entry text(kt). (Main Document 28 replaced on 8/6/2019) (zkt). (Entered: 08/06/2019)
08/06/2019		Set/Reset Deadlines: Plaintiff's time to effectuate service upon party due by 8/13/2019; Plaintiff's Response due by 9/7/2019. (kt) (Entered: 08/06/2019)
09/04/2019	<u>29</u>	MOTION for Extension of Time to <i>File Defendant's Renewed Motion for Summary Judgment</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 09/04/2019)
09/06/2019		MINUTE ORDER: Upon due consideration of the Defendant's motion to extend the time to file renewed motion for summary judgment, Dkt. 29, it is hereby ORDERED that the motion is GRANTED. Defendant shall file its renewed motion for summary judgment on or before September 27, 2019. Signed by Judge Randolph D. Moss on 09/06/2019. (lcrdm2,) (Entered: 09/06/2019)
09/09/2019		Set/Reset Deadlines: Defendant's Renewed Summary Judgment motion due by 9/27/2019. (kt) (Entered: 09/09/2019)
09/27/2019	<u>30</u>	Final MOTION for Extension of Time to <i>File Defendant's Renewed Motion for Summary Judgment</i> by UNITED STATES POSTAL SERVICE (Adebonojo, Kenneth) (Entered: 09/27/2019)
09/28/2019		MINUTE ORDER: Upon consideration of Defendant's motion to extend the time to file renewed motion for summary judgment, Dkt. 30, it is hereby ORDERED that the motion is GRANTED. Defendant shall file its renewed motion for summary judgment on or before October 1, 2019. Signed by Judge Randolph D. Moss on 09/28/2019. (lcrdm2,) (Entered: 09/28/2019)
09/30/2019		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 10/1/2019. (kt) (Entered: 09/30/2019)
10/01/2019	<u>31</u>	MOTION for Summary Judgment (<i>Renewed</i> by UNITED STATES POSTAL SERVICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit)(Adebonojo, Kenneth) (Entered: 10/02/2019)
10/03/2019	<u>32</u>	FOX/NEAL ORDER: Plaintiff is hereby ORDERED to respond to Defendant's renewed motion for summary judgment, Dkt. 31, on or before October 22, 2019. See document for details. Signed by Judge Randolph D. Moss on 10/03/2019. (lcrdm2,) (Entered: 10/03/2019)
10/03/2019		Set/Reset Deadlines: Plaintiff's Response to <u>31</u> Motion for Summary Judgment due by 10/22/2019. (dot) (Entered: 10/03/2019)

10/31/2019	<u>33</u>	MOTION for Service by Certified Mail by HASSAN ALI PEJOUHESH (ztd) (Entered: 11/01/2019)
11/05/2019		MINUTE ORDER: Upon consideration of Plaintiff's Motion for Service, Dkt. 33, and, in an abundance of caution, Defendant is hereby ORDERED to re-serve its renewed motion for summary judgment, Dkt. 31, and all accompanying materials, Dkt. 31-1; 31-2; 31-3, on Plaintiff at his address of record on or before November 19, 2019. In light of this Order, Plaintiff's deadline to respond to Defendant's renewed motion for summary judgment is hereby RESET. Plaintiff shall respond to Defendant's renewed motion for summary judgment on or before December 17, 2019. Signed by Judge Randolph D. Moss on 11/04/19. (lcrdm2,) (Entered: 11/05/2019)